

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WE THE PATRIOTS USA, INC. et al.,

Plaintiffs,

No. 1:23-cv-00773-DHU-LF

vs.

Consolidated with:

**MICHELLE LUJAN GRISHAM,
OFFICE OF THE GOVERNOR,
PATRICK ALLEN, and
NM DEPARTMENT OF HEALTH,**

**No. 1:23-cv-00771-DHU-LF
No. 1:23-cv-00772-DHU-LF
No. 1:23-cv-00774-DHU-LF
No. 1:23-cv-00778-DHU-LF
No. 1:23-cv-00839-DHU-LF**

Defendants.

UNOPPOSED MOTION TO EXTEND STAY

Defendants Governor Michelle Lujan Grisham, Secretary Patrick M. Allen, and the New Mexico Department of Health (collectively, “Defendants”), by and through their counsel of record, hereby move this Court to extend the stay of these consolidated cases pending the Tenth Circuit’s resolution of the related cross-appeals in *Springer v. Lujan Grisham* (Nos. 23-2192, 23-2194). In support thereof, Defendants state as follows:

1. On November 17, 2023, this Court granted the parties’ joint motion to stay these consolidated cases pending the resolution of Plaintiffs’ interlocutory appeal of this Court’s order denying Plaintiffs’ motion for a preliminary injunction. [Doc. 65].
2. The Tenth Circuit issued an opinion dismissing that interlocutory appeal on October 28, 2024. *See We the Patriots v. Lujan Grisham*, 119 F.4th 1253 (10th Cir. 2024). The mandate issued on November 19, 2024. [Doc. 71].

3. Defendants now respectfully request that the Court extend the stay in this matter until the Tenth Circuit resolves the pending cross-appeals in *Springer v. Lujan Grisham* (Nos. 23-2192, 23-2194).

4. This Court has broad authority to stay proceedings before it. *See Ryan v. Gonzalez*, 568 U.S. 57, 73-74 (2013). This authority stems from the Court’s inherent power “to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Doe v. Jones*, 762 F.3d 1174, 1178 (10th Cir. 2014) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)).

5. “[T]he decision to grant a stay . . . is ‘generally left to the sound discretion of district courts.’” *Ryan*, 568 U.S. at 74 (quoting *Schriro v. Landrigan*, 550 U.S. 465, 473 (2007)). In exercising that discretion, courts consider “the specific circumstances of a case,” *Doe*, 762 F.3d at 1178 (quoting *Landis*, 299 U.S. at 254), including judicial economy and any competing interests of the parties, *Capitol Specialty Ins. Corp. v. Sw. Clubs, Inc.*, Civ. No. 12-01299, 2015 WL 11117308, at *3 (D.N.M. Mar. 31, 2015).

6. An extension of the stay is warranted in the interest of judicial economy. *Springer* is closely related to these consolidated cases, as it presents a Second Amendment challenge to the same public health orders at issue here.

7. Extending the stay would not prejudice any party. *Springer* is scheduled for oral argument in the Tenth Circuit on January 21, 2025. Additionally, the State of Public Health Emergency Due to Gun Violence expired on October 13, 2024, and was not renewed. Because the challenged public health order was effective only “for the duration of the public health emergenc[y] . . . and any subsequent renewals,” it is no longer in effect.

8. Plaintiffs Richard Anderson, We the Patriots USA, Inc., and Dennis Smith do not oppose the motion. Plaintiffs Firearms Policy Coalition, Inc., New Mexico Sports Shooting Association, Second Amendment Foundation, Zachary Fort, Gun Owners Foundation, Gun Owners of America, Inc., Randy Donk, National Association for Gun Rights, Foster Allen Haines, and Shawn Blas consent to the relief requested.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court extend the stay of these consolidated cases pending the Tenth Circuit's resolution of the related cross-appeals in *Springer v. Lujan Grisham* (Nos. 23-2192, 23-2194).

Respectfully submitted,

/s/ Holly Agajanian

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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2024, I filed the foregoing via the CM/ECF filing system, which caused all counsel of record to be served by electronic means.

Respectfully submitted,

/s/ Holly Agajanian

Holly Agajanian